

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS

LIABILITY LITIGATION (NO.VI)
Civil Action No. MDL 875

EDPA Civil Action No. 2:07-cv-63839-ER

This Document Relates To:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

BARBARA ANNE ANDERSON,	§
Plaintiff,	§
	§
v.	§ Civil Action No. 3:07-CV-00068-HEH
	§
ALFA LAVAL, INC., et al.	§
Defendants.	§

**PLAINTIFF'S OBJECTIONS TO MAGISTRATE JUDGE'S ORDER AND
MEMORANDUM OPINION OF AUGUST 5, 2009**

Plaintiff, Barbara Anne Anderson, by and through undersigned counsel and pursuant to Fed. R. Civ. P. 72 and Local R. Civ. P. 72.1(IV) hereby submits these Objections to the Magistrate Judge's Order and Memorandum Opinion of August 5, 2009 (Docs. 56 and 57) and, and states as follows:

1. On June 10, 2009, Plaintiff filed a Motion for Leave to File an Amended Pleading (Doc. 33), seeking leave to amend her complaint to remove a federal enclave disclaimer and otherwise conform her pleading to the evidence in this case.

2. Although Defendant Georgia-Pacific had consented to Plaintiff's removal of the federal enclave disclaimer from her original complaint, see Plaintiff's Memorandum of Law in Support of her Motion to File an Amended Pleading at 3-4, Defendants, Bondex International, Inc., RPM, Inc. and RPM International, Inc. (collectively "Bondex") (Doc. 41), Georgia-Pacific LLC (f/k/a Georgia-Pacific Corporation (Doc. 42), and Union Carbide Corporation (Doc. 44), all opposed Plaintiff's Motion on or about June 24, 2009.

3. Plaintiff filed a Reply (Doc. 46) on July 6, 2009.

4. On July 14, 2009, a telephone conference regarding Plaintiff's Motion took place between counsel and the Magistrate Judge. (Doc. 59)

5. A telephone hearing on Plaintiff's Motion was held before the Magistrate Judge on July 16, 2009. (Doc. 53)

6. On August 5, 2009, Plaintiff received a copy of the Magistrate Judge's Order (Doc. 57) and Memorandum Opinion (Doc. 56), via electronic case filing, denying Plaintiff's Motion for Leave to Amend her Complaint.

7. Because those portions of the Magistrate Judge's decision to which Plaintiff objects are incorrect, Plaintiff respectfully requests that this Honorable Court APPROVE the attached Proposed Order, SUSTAINING Plaintiff's Objections to the Magistrate Judge's Order and Memorandum Opinion of August 5, 2009, REJECTING those portions of the Magistrate Judge's Order and Memorandum Opinion of August 5, 2009 to which Plaintiff objects, and returning Plaintiff's Motion for Leave to File an Amended Pleading to the Magistrate Judge with instructions to GRANT Plaintiff's Motion.

8. In support of her Objections, Plaintiff refers this Court to Plaintiff's Brief in Support of Her Objections to the Magistrate Judge's Order and Memorandum Opinion of August 5, 2009, which is filed concurrently herewith.

9. Plaintiff also refers this Court to the arguments set forth in her Motion for Leave to File Amended Pleading (Doc. 33) and Reply Memorandum (Doc. 46), as well as the arguments made during the telephone hearing on July 16, 2009 (Doc. 53), in further support of her Objections.

10. In accordance with Local Rule 7.1(f), Plaintiff also respectfully requests oral argument, to the extent such request is appropriate.

Respectfully submitted,

WATERS & KRAUS, LLP

/s/ Melanie J. Garner
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, undersigned counsel for Plaintiff, hereby certify that on this 19th day of August, 2009, I caused a copy of the foregoing document, and all related attachments, to be served on all remaining counsel of record via Electronic Case Filing procedures.

/s/Melanie J. Garner
Melanie J. Garner